THE HON'BLE SRI JUSTICE A.GOPAL REDDY

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WRIT PETITION No.26796 of 1995

DATED: 17-03-2006

Between:

Rajaram and others . . .Petitioners

And

District Collector, Adilabad and others . . .Respondents

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WRIT PETITION No.26796 of 1995

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O R D E R:

The petitioners, who are four in number claiming ownership over the land admeasuring Ac.1-17, Ac.1-24, Ac.2-38 in Survey Nos.201, 200 and 205 (old Survey Nos.74/79), admeasuring
Ac.2-23¼ in Survey No.199 (old Survey No.74/79), admeasuring Ac.3-00 and Ac.1-28 in Survey Nos.198 and 191, and admeasuring Ac.1-33 in Survey No.192 respectively situated at Kanchanpally Village, Chennur Mandal, filed the present writ petition for referring the matter to the Civil Court with regard to the lands covered by the Award passed in File No.B/A950/70, dated 21-10-1982 and for initiation of land acquisition proceedings in respect of land admeasuring Ac.2-38 guntas in Survey No.205 situated at Kanchanpally Village, Chennur Mandal, Adilabad District, and for payment of compensation on completion of the same.

According to the petitioners, the said lands were acquired leaving the land in Survey No.205 by mistake, possession was taken long back and an award was passed in File No.B/A950/70 on 21-10-1982 fixing the market value at Rs.2,000/- per acre. Immediately on the next day i.e. on 22-10-1982, they filed separate petitions under Section 18 of the Land Acquisition Act (for short "the Act") for payment of correct market value and also for initiation of proceedings in respect of the land in Survey No.205. Since the respondents have not taken any action thereon, the petitioners got issued a legal notice, dated 18-12-1991, under Section 80 CPC through the

office of Sri P.Suresh, Advocate, calling upon the Land Acquisition Officer to refer the matter to the Civil Court with regard to the lands covered by Award No.B/A950/70 and for initiation of land acquisition proceedings in respect of land admeasuring Ac.2-38 in Survey No.205 and for payment of compensation of the same. Thereafter, the Revenue Divisional Officer, Mancherial, through his letter, dated
08-01-1992, called upon the Executive Engineer I & PD Division, Nirmal, to enquire into the said notice and to file fresh requisition to process the same under the Act. Since no action has been taken thereon, the present writ petition is filed on 27-11-1995.

The second respondent, Revenue Divisional Officer, Mancherial, filed a counter affidavit stating that the Land Acquisition Officer and Sub-Collector passed an award on
21-10-1982 after approval of the market value by the Collector while determining the compensation at the rate of Rs.2,000/- per acre. It is pleaded that at the time of enquiry, the petitioners/claimants have stated that they have no objection for the said market value and they have not filed claim petitions during the course of enquiry. Further, the claimants did not file any objection petitions requesting to refer the matter under Section 18 of the Act to the competent Civil Court. Therefore, referring the matter under Section 18 of the Act is untenable. Regarding payment of compensation in respect of land admeasuring Ac.2-38 guntas in Survey No.205, the said land has not been requisitioned and during the course of award enquiry, the petitioners did not submit any claim. Except issuance of legal notice to the respondents nine years after passing of the award, the petitioners had not made any other request.

The said averments have not been traversed by filing any reply by the petitioners nor any evidence in proof of their making petitions under Section 18 of the Act on 22-10-1982 has been filed to substantiate that the application under Section 18 of the Act was filed within the time from the date of passing of the award and their entitlement to refer the matter to the Civil Court under Section 18 of the Act. In the absence of any such reply and evidence filed, the petitioners are not entitled to seek reference at a belated stage, that too more than three years after issuance of the legal notice. In view of the same, the writ petition is liable to be dismissed.

The Writ Petition is accordingly dismissed. There shall be no order as to costs.

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(A.GOPAL REDDY, J)

17th MARCH, 2006.

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